

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN IRVING,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.,

Defendant.

CIVIL ACTION
NO. 17-1124

ORDER

AND NOW, this 4th day of October 2017, upon consideration of Plaintiff's Complaint (Doc. No. 1), Defendant's Motion to Dismiss Plaintiff's Allegations of Bad Faith from Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim (Doc. No. 5), Plaintiff's Response (Doc. No. 6), Defendant's Reply (Doc. No. 7), and in accordance with the Court's Opinion issued this day, it is **ORDERED** that:

1. Defendant's Motion to Dismiss Plaintiff's Allegations of Bad Faith from the Complaint pursuant to Rule 12(b)(6) (Doc. No. 5) (Count II) is **GRANTED**;
2. Plaintiff is given twenty (20) days from the date of this Order in which to file an Amended Complaint.
3. Defendant is **ORDERED** to respond to an Amended Complaint within fourteen (14) days of Plaintiff filing an Amended Complaint or, should Plaintiff elect not to file an Amended Complaint, within thirty-four (34) days from the date of this Order to file an Answer to Plaintiff's claim in Count I.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.